

REMARKS

In consideration of the Examiner, below is the current status of the claims of the present re-issue application:

1-50	canceled by Preliminary Amendment July 2001;
51	added by Preliminary Amendment July 2001, amended herein;
52	added by Preliminary Amendment July 2001;
53-54	added by Preliminary Amendment July 2001,
55-59	added by Preliminary Amendment July 2001;
60	added by Preliminary Amendment July 2001, amended herein;
61-63	added by Preliminary Amendment July 2001;
64	added by Preliminary Amendment July 2001, previously canceled;
65	added by Preliminary Amendment July 2001,
66	added by Preliminary Amendment July 2001;
67-68	added by Preliminary Amendment July 2001;
69-77	added by Preliminary Amendment July 2001; and
78-269	added by Preliminary Amendment July 2001, previously canceled.

Claims 51-63 and 65-77 now stand rejected under 35 U.S.C. 101 because, according to the Examiner, "[t]here is no useful, concrete and tangible result" produced, citing *State Street*. Applicants respectfully disagree. First, the "tangible results" test relates to business methods, not more conventional subject matter.

Second, Applicants claims produce "useful, concrete and tangible" results. Independent claim 51 resides in a video storage system including among other aspects, "storage for storing video program source material and supplemental information." This, alone, constitutes a useful, concrete and tangible result in that "video program source material and supplemental information" are stored, presumably for later recall. Since video program source material and supplemental information are both useful, concrete and tangible items, certainly the storage thereof passes the same test. Applicants' specification explains the benefits of the storage in different embodiments and applications.

Additionally, any rejection based on lack of utility should include a detailed explanation why the claimed invention has no specific and substantial credible utility. See MPEP §2107. Whenever possible, the examiner should provide documentary evidence regardless of publication date (e.g., scientific or technical journals, excerpts from treatises or books, or U.S. or foreign patents) to support the factual basis for the *prima facie* showing of no specific and substantial

credible utility. If documentary evidence is not available, the examiner should specifically explain the scientific basis for his or her factual conclusions.

The Examiner has not met this burden. Simply stating that "[t]here is no useful, concrete and tangible result produced" is insufficient.

Claims 51, 52, 55-59 and 61-63 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,206,929 to Langford et al. Claims 60, 65, 66 and 69-77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,206,929 to Langford et al. Applicants have already made substantial arguments of record rebutting these rejections and those arguments are repeated here.

Based upon the foregoing amendments and comments, Applicants believe all claims are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

By: _____

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